IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24792 of 2004

Between:

Alimili Bhaskar S/o.Polaiah
Balayapalli Mandal, Nellore Dist.

..... PETITIONER

AND

1 The Dist Collector, Nellore Dist.
2 The Mandal Revenue Officer, Balayapalli Mandal,
Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly a writ of mandamus declaring the action of the 2nd Respondent issuing Form-I, Notices Rc.B.292/04 dt 15/7/2004 without initiating or recording a finding U/s.3(1) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 as illegal, arbitrary and without Jurisdiction and consequently direct the Respondent not to interfere with the lawful possession of the petitioners land in Survey No.164/3 an extent of 0.27 cents and Survey 162/16 and extent of 0.50 cents of Subtramanyam Village,Balayapalli Mandal, Nellore District.

Counsel for the Petitioner : Mr.G.DASARADHA RAMI REDDY

Counsel for Respondents : G.P. FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner claims to be owner and possessor of lands admeasuring 0.27 cents in Survey No.164/3 and 0.50 cents in Survey No.162/16 situated at Subrahmanyam Village, Balayapalli Mandal, Nellore District, having purchased the same from the original assignees respectively. It is stated that the 2nd respondent-Mandal Revenue Officer issued Form-I Notice dated 15.07.2004 calling upon the petitioner to show cause as to why he should not be evicted from the lands in question, for which the petitioner stated to have submitted his explanation on 24.12.2004. The grievance of the petitioner is that without considering his explanation, the respondents are going to evict him from the lands in question arbitrarily. Hence, he filed the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed to dispose of the writ petition at the admission stage.

If the respondent intends to acquire private land of individuals, he shall follow the procedure established by law and pay compensation to the individuals. If the land is a Government land, which is under encroachment, he shall follow the procedure under Land Encroachment Act, for eviction. Till the, the parties shall maintain status quo obtaining as on today as regards the possession of the petitioners. If the respondent has already followed the due process of law in the matter, he is at liberty to take consequential steps for eviction.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

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(N.V. RAMANA, J)

Date: 30.12.2004

Tvk/NSR

To

1 The Dist Collector, Nellore Dist.
2 The Mandal Revenue Officer, Balayapalli Mandal, Nellore Dist.

3 Two CCs to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT)

4 Two CD copies.